

Lincoln D. Bandlow, Esq. (CA #170449)
Lincoln@BandlowLaw.com
Law Offices of Lincoln Bandlow, P.C.
1801 Century Park East, Suite 2400
Los Angeles, CA 90067
Tel.: (310) 556-9680
Fax: (310) 861-5550

Attorney for Plaintiff
Strike 3 Holdings, LLC

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION**

STRIKE 3 HOLDINGS, LLC,
Plaintiff,

vs.

**JOHN DOE subscriber assigned IP
address 98.242.52.89,**
Defendant.

Case No.: 2:21-01165-TLN-CKD

Judge Carolyn K. Delaney

**DECLARATION OF LINCOLN D.
BANDLOW IN SUPPORT OF
PLAINTIFF'S APPLICATION FOR
EXTENSION OF TIME WITHIN
WHICH TO EFFECTUATE
SERVICE ON JOHN DOE
DEFENDANT**

I, Lincoln Bandlow, declare as follows:

1. I am over the age of 18 and am otherwise competent to make this declaration. I am an attorney duly licensed and authorized to practice in the State of California and I am counsel for Plaintiff Strike 3 Holdings, LLC ("Strike 3" or "Plaintiff") in the above-titled action.

2. I offer this declaration in support of Strike 3's Application for Extension of Time within Which to Effectuate Service on John Doe Defendant. This declaration is based on my personal knowledge and, if called upon to do so, I could and would testify that the facts stated herein are true and accurate.

1 3. Pursuant to Fed. R. Civ. P. Rule 4(m), in this case Plaintiff must
2 effectuate service on the Defendant by no later than September 28, 2021.

3 4. Strike 3 originally filed a pure bill of discovery in Florida state court
4 to obtain a court order authorizing the ISP to disclose Doe's identity.

5 5. That court granted Strike 3's request for a pure bill of discovery.

6 6. Doe retained counsel and objected to the court's order and Strike 3's
7 subsequent subpoena on, *inter alia*, jurisdictional grounds.

8 7. Thus, Strike 3 filed a Complaint for copyright infringement before
9 this Court.

10 8. Since Doe had previously retained counsel, I held several conferrals
11 with opposing counsel on this discovery dispute.

12 9. Finally, on September 24, counsel for Doe determined that he would
13 not disclose Doe's identity, but agreed not to oppose Strike 3 filing an application
14 for early discovery with this Court. As a result, Strike 3 filed its Unopposed
15 Application for Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f)
16 Conference on September 27, 2021.

17 10. Upon receipt of the ISP response, additional time will be required for
18 the Plaintiff to further investigate and determine whether the individual identified
19 by the ISP is the appropriate defendant for this action. Further, Plaintiff will need
20 time to confer with Defendant regarding the scheduling of an informal conference
21 as required by this Court's Order and, if the Defendant wishes to do so, schedule
22 and conduct that conference with the Court. Finally, if Plaintiff proceeds with
23 amending the complaint, which identifies the Defendant by name and provides
24 other information that identifies the Defendant, it is virtually certain¹ that Plaintiff
25

26 ¹ Defendants in these actions typically request that they be allowed to proceed in
27 these matters without being identified on the public record, it appears here that

1 would first file on the public docket a version of the amended complaint that
2 redacts such identifying information. Plaintiff would then seek a Court order
3 allowing it to file under seal an unredacted version of its amended complaint and
4 summons which includes Defendant's identity which Plaintiff would need to
5 formally serve the Defendant.

6 I declare under penalty of perjury under the laws of the State of California
7 and the United States of America that the foregoing is, to the best of my
8 knowledge, true and correct.

9 Executed on this this 28th day of September, 2021.

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12 Lincoln D. Bandlow

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26 Defendant will make that request, and Plaintiff has a policy of stipulating to such
27 requests.